

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Carlos Garcia Garcia,
a.k.a. Simon Garcia Garcia ,
a.k.a., Juan Perez

Case No. 1:20-mj-30501
Judge: Morris, Patricia T.
Filed: 12-03-2020 At 04:13 PM
CMP USA v. Carlos Garcia Garcia (krc)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 23, 2020 in the county of Otsego in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Title 8, United States Code, Sections 1326(a) & (b) (1)

Offense Description

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about November 23, 2020, in the Eastern District of Michigan, Northern Division, Carlos Garcia Garcia, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about August 17, 2010, at or near Laredo, Texas, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Sections 1326(a) & (b)(1).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: December 3, 2020City and state: Bay City, Michigan

Complainant's signature

Adam Gaynier, Deportation Officer

Printed name and title



Judge's signature

Patricia T. Morris, U.S. Magistrate Judge

Printed name and title

United States District Court
Eastern District of Michigan
Northern Division

United States Of America,

V.

Criminal No. _____

Carlos Garcia Garcia,
a.k.a. Simon Garcia Garcia,
a.k.a. Juan Perez,

Defendant.

Affidavit in Support of Criminal Complaint

I, Adam Gaynier, being duly sworn state the following:

1. I am a Deportation Officer for U. S. Immigration & Customs Enforcement (“ICE”) and am currently assigned to the Detroit Field Office. I have been employed by the Agency since November 2009. My duties as a Deportation Officer involve enforcement of the Immigration and Nationality Act, particularly the location and apprehension of criminal aliens for prosecution and removal.
2. This affidavit is in support of a criminal complaint charging Carlos Garcia Garcia, with a violation of 8 U.S.C. §§ 1326(a) & (b)(1), reentry into the United States by an alien after deportation or removal, without express permission of the Attorney General or the Secretary for Homeland Security, to reapply for admission into the United States.
3. The facts and information contained in this affidavit are based on my personal knowledge and observations, information conveyed to me by other law enforcement officials, and my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to

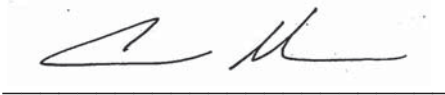
support probable cause, but is not intended to include each and every fact and matter observed by me or known to the government.

4. Carlos Garcia Garcia, a.k.a., Simon Garcia Garcia, a.k.a., Juan Perez, was born in Guerrero, Oaxaca, Mexico, and at all times he has been a citizen of Mexico.
5. On an unknown date prior to March 2000, Garcia Garcia illegally entered the United States at an unknown location, by foot, without inspection. Garcia Garcia was not granted permission to enter the United States by the Secretary of Homeland Security or the United States Attorney General.
6. On or about March 20, 2000, the Montcalm County Sheriff arrested Garcia Garcia for Operating – Under the Influence. On or about May 15, 2000, the 64B District Court in Stanton, Michigan, convicted Garcia Garcia of Operating - Minor With any BAC. For this offense, Garcia Garcia was sentenced to 6 months' probation and ordered to pay \$953.
7. On or about July 28, 2001, the Ionia Department of Public Safety arrested Garcia Garcia for Operating – License Suspended, Revoked, Denied. On or about January 28, 2002, the 64A District Court in Ionia, Michigan, convicted Garcia Garcia of License Suspended, Revoked, Denied. For this offense, Garcia Garcia was ordered to pay \$500.
8. On May 7, 2003, the United States Border Patrol ("USBP") arrested Garcia Garcia. On the same day, the USBP served Garcia Garcia with an I-862 Notice to Appear. On May 21, 2003, an Immigration Judge in Detroit, Michigan, granted Garcia Garcia a Stipulated Removal.
9. On May 27, 2003, ICE physically removed Garcia Garcia from the United States to Mexico.
10. On August 12, 2003, the USBP apprehended Garcia Garcia on the US – Mexico border and granted him a Voluntary Return to Mexico.

11. On an unknown date after August 12, 2003, Garcia Garcia illegally reentered the United States at an unknown location, by foot, without inspection. Garcia Garcia was not granted permission to enter the United States by the Secretary of Homeland Security or the United States Attorney General.
12. On or about June 12, 2004, the Ionia County Sheriff arrested Garcia Garcia for Domestic Violence. On or about September 13, 2004 the 64A District Court in Ionia, Michigan, convicted Garcia Garcia of Domestic Violence. For this offense, Garcia Garcia was sentenced to 10 days in jail, 12 months' probation, and ordered to pay \$115.
13. On April 26, 2007, the ICE Office of Investigations ("OI") arrested Garcia Garcia at or near Battle Creek, Michigan. On the same day, ICE OI served Garcia Garcia with an I-871 Notice of Intent/Decision to Reinstate a Prior Order.
14. On May 19, 2007, ICE physically removed Garcia Garcia from the United States to Mexico via the Laredo, Texas, Port of Entry.
15. On an unknown date after May 19, 2007, Garcia Garcia illegally reentered the United States at an unknown location, by foot, without inspection. Garcia Garcia was not granted permission to enter the United States by the Secretary of Homeland Security or the United States Attorney General.
16. On or about May 18, 2010, the Michigan State Police, Rockford Post, arrested Garcia Garcia for Operating License, Suspended, Revoked Denied. (this charge is still pending).
17. On May 26, 2010, ICE Enforcement and Removal Operations ("ERO") arrested Garcia Garcia at or near Ionia, Michigan. On May 28, 2010, ICE ERO served Garcia Garcia with an I-871 Notice of Intent/Decision to Reinstate a Prior Order.
18. On August 10, 2010, the United States District Court – Western District of Michigan, convicted Garcia Garcia of Reentry After Deportation, in violation of 8 USC 1326(a). For this offense, Garcia Garcia was sentenced to time served.

19. On August 17, 2010, ICE physically removed Garcia Garcia from the United States to Mexico via the Laredo, Texas, Port of Entry.
20. On an unknown date after August 17, 2010, Garcia Garcia illegally reentered the United States at an unknown location, by foot, without inspection. Garcia Garcia was not granted permission to enter the United States by the Secretary of Homeland Security or the United States Attorney General.
21. On November 23, 2020, Gaylord Police Department arrested Garcia Garcia and booked him into the Otsego County Jail in Gaylord, Michigan, for the offense of Domestic Violence (this charge is still pending). On the same day, ICE officers encountered Garcia Garcia at the Otsego County Jail and lodged an I-247: Immigration Detainer – Notice of Action with the facility.
22. On November 25, 2020, the Otsego County Jail released Garcia Garcia to ICE on the Immigration Detainer. ICE officers transported Garcia Garcia to the Detroit Field Office, and he was processed and served with Form I-871, Notice of Intent/ Decision to Reinstate Prior Order, in person. ICE searched his fingerprints in the ICE/FBI systems resulting in a positive match for Carlos Garcia Garcia, DOB: XX/XX/1980, AXXX XXX 412, a previously removed alien.

23. Based on the facts and information set forth above, I respectfully submit that there is probable cause to believe that Garcia Garcia illegally reentered the United States after having been deported in violation of Title 8, United States Code, Sections 1326(a) & (b)(1).



Adam Gaynier
Deportation Officer
United States Immigration & Customs
Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means on December 3, 2020.



Patricia T. Morris
United States Magistrate Judge